United Nations S/2015/548

Security Council

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17 July 2015

Original: English

Report of the Secretary-General concerning the credentials of the deputy representative and the alternate representatives of the Russian Federation on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 13 July 2015 from the Permanent Representative of the Russian Federation to the United Nations stating that Mr. Sergey Borisovich Kononuchenko has been appointed deputy representative and that Ms. Dilyara Salikhzyanovna Ravilova-Borovik, Mr. Alexander Sergeevich Popov, Mr. Nikita Vladislavovich Piontkovskiy, Mr. Anton Sergeevich Shamarin and Mr. Alexey Dmitrievich Militskiy have been appointed alternate representatives of the Russian Federation on the Security Council.

In the opinion of the Secretary-General, this letter constitutes adequate provisional credentials.

15-12143 (E) 200715

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Security Council

Distr.: General
17 July 2015

Original: English

Report of the Secretary-General concerning the credentials of the alternate representative of Malaysia on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received credentials signed on 8 July 2015 by the Permanent Representative of Malaysia to the United Nations stating that Mr. Shaharuddin Onn has been appointed alternate representative of Malaysia on the Security Council.

In the opinion of the Secretary-General, these credentials are in order.

15-12144 (E) 200715

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United Nations S/2015/550

Security Council

Distr.: General
20 July 2015

Original: English

Letter dated 20 July 2015 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

I have the honour to enclose herewith a text entitled "Statement of the Islamic Republic of Iran following the adoption of United Nations Security Council resolution 2231 (2015) endorsing the Joint Comprehensive Plan of Action" (see annex).

I should be grateful if you would arrange for the circulation of the present letter and its annex as a document of the Security Council.

(*Signed*) Gholamali **Khoshroo**
Ambassador
Permanent Representative

15-12237 (E) 240715

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Annex to the letter dated 20 July 2015 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

Statement of the Islamic Republic of Iran following the adoption of United Nations Security Council resolution 2231 (2015) endorsing the Joint Comprehensive Plan of Action

1. The Islamic Republic of Iran considers science and technology, including peaceful nuclear technology, as the common heritage of mankind. At the same time, on the basis of solid ideological, strategic and international principles, Iran categorically rejects weapons of mass destruction and particularly nuclear weapons as obsolete and inhuman, and detrimental to international peace and security. Inspired by the sublime Islamic teachings, and based on the views and practice of the late founder of the Islamic Revolution, Imam Khomeini, and the historic *Fatwa* of the leader of the Islamic Revolution, Ayatollah Khamenei, who has declared all weapons of mass destruction (WMD), particularly nuclear weapons, to be *Haram* (strictly forbidden) in Islamic jurisprudence, the Islamic Republic of Iran declares that it has always been the policy of the Islamic Republic of Iran to prohibit the acquisition, production, stockpiling or use of nuclear weapons.

2. The Islamic Republic of Iran underlines the imperative of the total elimination of nuclear weapons, as a requirement of international security and an obligation under the Treaty on the Non-Proliferation of Nuclear Weapons. The Islamic Republic of Iran is determined to engage actively in all international diplomatic and legal efforts to save humanity from the menace of nuclear weapons and their proliferation, including through the establishment of nuclear-weapon-free zones, particularly in the Middle East.

3. The Islamic Republic of Iran firmly insists that States parties to the Treaty on the Non-Proliferation of Nuclear Weapons shall not be prevented from enjoying their inalienable rights under the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of the Treaty.

4. The finalization of the Joint Comprehensive Plan of Action (JCPOA) on 14 July 2015 signifies a momentous step by the Islamic Republic of Iran and the E3/EU+3 to resolve, through negotiations and based on mutual respect, an unnecessary crisis, which had been manufactured by baseless allegations about the Iranian peaceful nuclear programme, followed by unjustified politically motivated measures against the people of Iran.

5. The JCPOA is premised on reciprocal commitments by Iran and the E3/EU+3, ensuring the exclusively peaceful nature of Iran's nuclear programme, on the one hand, and the termination of all provisions of Security Council resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), 1929 (2010) and 2224 (2015) and the comprehensive lifting of all United Nations Security Council sanctions, and all nuclear-related sanctions imposed by the United States and the European Union and its member States, on the other. The Islamic Republic of Iran is committed to implement its voluntary undertakings in good faith contingent upon same good-faith implementation of all undertakings, including those involving the removal of sanctions and restrictive measures, by the E3/EU+3 under the JCPOA.

6. Removal of nuclear-related sanctions and restrictive measures by the European Union and the United States would mean that transactions and activities referred to under the JCPOA could be carried out with Iran and its entities anywhere in the world without fear of retribution from extraterritorial harassment, and all persons would be able to freely choose to engage in commercial and financial transactions with Iran. It is clearly spelled out in the JCPOA that both the European Union and the United States will refrain from reintroducing or reimposing the sanctions and restrictive measures lifted under the JCPOA. It is understood that reintroduction or reimposition, including through extension, of the sanctions and restrictive measures will constitute significant non-performance which would relieve Iran from its commitments in part or in whole. Removal of sanctions further necessitates taking appropriate domestic legal and administrative measures, including legislative and regulatory measures to effectuate the removal of sanctions. The JCPOA requires an effective end to all discriminatory compliance measures and procedures as well as public statements inconsistent with the intent of the agreement. Iran underlines the agreement by JCPOA participants that immediately after the adoption of the Security Council resolution endorsing the JCPOA, the European Union, its member States and the United States will begin consultation with Iran regarding relevant guidelines and publicly accessible statements on the details of sanctions or restrictive measures to be lifted under the JCPOA.

7. The Islamic Republic of Iran will pursue its peaceful nuclear programme, including its enrichment and enrichment research and development, consistent with its own plan as agreed in the JCPOA, and will work closely with its counterparts to ensure that the agreement will endure the test of time and achieve all its objectives. This commitment is based on assurances by the E3/EU+3 that they will cooperate in this peaceful programme consistent with their commitments under the JCPOA. It is understood and agreed that, through steps agreed with the International Atomic Energy Agency (IAEA), all past and present issues of concern will be considered and concluded by the IAEA Board of Governors before the end of 2015. The IAEA has consistently concluded heretofore that Iran's declared activities are exclusively peaceful. Application of the Additional Protocol henceforth is intended to pave the way for a broader conclusion that no undeclared activity is evidenced in Iran either. To this end, the Islamic Republic of Iran will cooperate with the IAEA, in accordance with the terms of the Additional Protocol as applied to all signatories. The IAEA should, at the same time, exercise vigilance to ensure full protection of all confidential information. The Islamic Republic of Iran has always fulfilled its international non-proliferation obligations scrupulously and will meticulously declare all its relevant activities under the Additional Protocol. In this context, the Islamic Republic of Iran is confident that since no nuclear activity is or will ever be carried out in any military facility, such facilities will not be the subject of inspection.

8. The Joint Commission established under the JCPOA should be enabled to address and resolve disputes in an impartial, effective, efficient and expeditious manner. Its primary role is to address complaints by Iran and ensure that effects of sanctions lifting stipulated in the JCPOA will be fully realized. The Islamic Republic of Iran may reconsider its commitments under the JCPOA if the effects of the termination of the Security Council, European Union or United States nuclear-related sanctions or restrictive measures are impaired by continued application or the imposition of new sanctions with a nature and scope identical or similar to those

that were in place prior to the implementation date, irrespective of whether such new sanctions are introduced on nuclear-related or other grounds, unless the issues are remedied within a reasonably short time.

9. Reciprocal measures, envisaged in the dispute settlement mechanism of the JCPOA, to redress significant non-performance are considered as the last resort if significant non-performance persists and is not remedied within the arrangements provided for in the JCPOA. The Islamic Republic of Iran considers such measures as highly unlikely, as the objective is to ensure compliance rather than provide an excuse for arbitrary reversibility or means for pressure or manipulation. Iran is committed to fully implement its voluntary commitments in good faith. In order to ensure continued compliance by all JCPOA participants, the Islamic Republic of Iran underlines that in case the mechanism is applied against Iran or its entities and sanctions, particularly Security Council measures, are restored, the Islamic Republic of Iran will treat this as grounds to cease performing its commitments under the JCPOA and to reconsider its cooperation with the IAEA.

10. The Islamic Republic of Iran underlines the common understanding and clearly stated agreement of all JCPOA participants that affirms that the provisions of Security Council resolution 2231 (2015) endorsing the JCPOA do not constitute provisions of the JCPOA and can in no way impact the performance of the JCPOA.

11. The Government of the Islamic Republic of Iran is determined to actively contribute to the promotion of peace and stability in the region in the face of the increasing threat of terrorism and violent extremism. Iran will continue its leading role in fighting this menace and stands ready to cooperate fully with its neighbours and the international community in dealing with this common global threat. Moreover, the Islamic Republic of Iran will continue to take necessary measures to strengthen its defence capabilities in order to protect its sovereignty, independence and territorial integrity against any aggression and to counter the menace of terrorism in the region. In this context, Iranian military capabilities, including ballistic missiles, are exclusively for legitimate defence. They have not been designed for WMD capability, and are thus outside the purview or competence of the Security Council resolution and its annexes.

12. The Islamic Republic of Iran expects to see meaningful realization of the fundamental shift in the Security Council's approach envisaged in the preamble of Security Council resolution 2231 (2015). The Council has an abysmal track record in dealing with Iran, starting with its acquiescing silence in the face of a war of aggression by Saddam Hussain against Iran in 1980, its refusal from 1984 to 1988 to condemn, let alone act against, massive, systematic and widespread use of chemical weapons against Iranian soldiers and civilians by Saddam Hussain, and the continued material and intelligence support for Saddam Hussain's chemical warfare by several of its members. Even after Saddam invaded Kuwait, the Security Council not only obdurately refused to rectify its malice against the people of Iran, but went even further and imposed ostensibly WMD-driven sanctions against these victims of chemical warfare and the Council's acquiescing silence. Instead of at least noting the fact that Iran had not even retaliated against Saddam Hussain's use of chemical weapons, the Council rushed to act on politically charged baseless allegations against Iran and unjustifiably imposed a wide range of sanctions against the Iranian people as retribution for their resistance to coercive pressures to abandon their peaceful nuclear programme. It is important to remember that these sanctions,

which should not have been imposed in the first place, are the subject of removal under the JCPOA and Security Council resolution 2231 (2015).

13. Therefore, the Islamic Republic of Iran continues to insist that all sanctions and restrictive measures introduced and applied against the people of Iran, including those applied under the pretext of its nuclear programme, have been baseless, unjust and unlawful. Hence, nothing in the JCPOA shall be construed to imply, directly or indirectly, an admission of or acquiescence by the Islamic Republic of Iran in the legitimacy, validity or enforceability of the sanctions and restrictive measures adopted against Iran by the Security Council, the European Union or its member States, the United States or any other State, nor shall it be construed as a waiver or a limitation on the exercise of any related right the Islamic Republic of Iran is entitled to under relevant national legislation, international instruments or legal principles.

14. The Islamic Republic of Iran is confident that the good-faith implementation of the JCPOA by all its participants will help restore the confidence of the Iranian people, who have been unduly subjected to illegal pressure and coercion under the pretext of this manufactured crisis, and will open new possibilities for cooperation in dealing with real global challenges and actual threats to regional security. Our region has long been mired in undue tension while extremists and terrorists continue to gain and maintain ground. It is high time to redirect attention and focus on these imminent threats and seek and pursue effective means to defeat this common menace.

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Security Council

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20 July 2015

Original: English

Letter dated 20 July 2015 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the Security Council

I am writing to you in your capacity as President of the Security Council for the month of July 2015.

With reference to Security Council resolution 2166 (2014), as well as my previous letters to the Council of 1 and 28 August 2014, 9 September 2014 and 16 December 2014 regarding the downing of Malaysia Airlines flight MH17, I have the honour to provide you with an update on the steps that the Netherlands has taken since my last letter to the Council with regard to the repatriation and recovery efforts, the technical investigation and the accountability process.

Repatriation and recovery mission

The central process of identification of the victims was concluded on 1 July 2015. An improvement in the security situation enabled experts participating in the recovery mission, with the support of the Organization for Security and Cooperation in Europe (OSCE), to finally visit the burn sites in April and search them thoroughly. Although the experts made all possible efforts, we cannot exclude the possibility that more remains will be discovered in the area in the future. We have made all necessary agreements with local authorities and populations to prepare for such an eventuality.

At this moment, 296 out of 298 victims have been identified and death certificates have been issued to next of kin. Only two victims, both of Dutch nationality, remain to be identified. We are currently consulting closely with the next of kin on the process of transferring human remains and personal belongings of the victims to them.

On 10 June 2015, the Dutch Ministry of Foreign Affairs briefed grieving nations (States that had lost nationals on flight MH17) on the progress of the identification process, the process of transferring personal belongings of the victims to next of kin, the commemoration service planned for 17 July 2015 and progress in distributing death certificates by Ukraine.

On 17 July 2015, one year after the downing of flight MH17, the Dutch foundation representing Dutch next of kin organized a commemoration service in Nieuwegein, the Netherlands. Malaysia Airlines covered the travel costs for non-Dutch next of kin who had expressed a wish to participate. Dutch Prime

Minister Mark Rutte attended the service, joined by several members of his Cabinet. Remembrance services were also held, inter alia, in Australia, Malaysia and Ukraine.

International technical investigation into the cause of the crash

The Netherlands remains fully committed to the resolution of the Council of the International Civil Aviation Organization (ICAO) of 28 October 2014, in which the Council, inter alia, urged the Netherlands, supported by concerned States and organizations, to continue and finalize the independent international investigation, led by the Dutch Safety Board.

The Dutch Safety Board concluded its investigations within a year after the incident. On 2 June 2015, it presented a draft final report for review to the accredited representatives of the States participating in its investigation, in accordance with annex 13 to the Convention on International Civil Aviation. These representatives are requested in annex 13 to send their comments within 60 days, after which the Board will evaluate the comments and compile the final report. On 1 July 2015, the Board informed ICAO on the state of play of its investigation into the downing of MH17 and announced its intention to publish the final reports before mid-October 2015, as stated on its website: http://www.onderzoeksraad.nl/en/onderzoek/2049/investigation-crash-mh17-17-july-2014/inzage/1643/progress-of-the-mh17-investigation#fasen.

These proceedings are fully in accordance with recommendation 6.6 of annex 13, which states that "The State conducting the investigation should release the final report in the shortest possible time and, if possible, within 12 months of the date of the occurrence. If the report cannot be released within 12 months, the State conducting the investigation should release an interim report on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised."

As with the preliminary report, I will forward to the Security Council a copy of the final report as soon as it is published. I would like to take this opportunity to stress once again the independent nature of this report, which means that the Dutch Government does not have any prior knowledge of the substance of the final report.

Accountability

The joint investigation team, comprising the prosecution authorities from Australia, Belgium, Malaysia, the Netherlands and Ukraine, has been working very closely together in the criminal investigation, fully independent of the Governments of the respective countries.

The investigation is ongoing and continues to identify new evidential material and avenues of inquiry. On 30 March 2015, a call for witnesses was released, which generated useful information. As a result, multiple witnesses have been heard and additional interviews are being planned. As is common in criminal investigations, confidentiality must be preserved in order not to compromise the ongoing investigation or prejudice a subsequent prosecution. Divulging confidential information, to which the Dutch Government is not privy, considering the independence of the Prosecutor's Office, would compromise the investigation. Nevertheless, for the sake of maximum transparency, the following can be shared.

The recovered wreckage of MH17 has been investigated. From 15 to 29 June 2015, the joint investigation team deployed a new investigative mission to Eastern Ukraine, facilitated by OSCE, to recover additional evidence, which will be used to evaluate different scenarios for the cause of the crash. This included taking soil samples from multiple locations and conducting technical research into the locations of telecommunication antennas and the coverage of the telephone network in Eastern Ukraine.

Cooperation from other States with the investigations has been constructive. The joint investigation team received substantial amounts of information from various countries, which is still being evaluated.

The independent Dutch Public Prosecutor who heads the joint investigations team, Fred Westerbeke, has stated publicly that progress is being made and that the aim is to conclude the investigation at the earliest possibility. The Dutch Government explicitly refrains from any speculation or accusation regarding criminal liability for the downing of MH17.

Carrying out the investigation is taking some time, given both the scope and the complexity of the case, as well as its international dimension.

To ensure that justice can be done effectively, the countries united in the joint investigation team have chosen to coordinate efforts for setting up a prosecution mechanism. They are committed to ensuring that the most effective and broadly supported mechanism available under international law is utilized, given the gravity of this attack on peaceful civil aviation. An ad hoc international criminal tribunal established by the Security Council under Chapter VII of the Charter of the United Nations meets these standards and would be consistent with, and build upon, Council resolution 2166 (2014). A Council-established international criminal tribunal would maximize international cooperation, which will be needed for an effective prosecution and trial.

In the interest of justice, there should be as little time as possible between the finalization of the investigation and the commencement of the tribunal's activities. Most other international or internationalized criminal tribunals were established prior to the completion of a criminal investigation. The States participating in the joint investigation team are committed to achieving justice in a manner that transcends international or national politics. Establishing a tribunal before the outcome of investigations is known is consistent with this commitment. The prosecutor of the tribunal would be entirely independent and would have the power to conduct additional investigations.

On 2 July 2015, Malaysia, on behalf of the countries united in the joint investigation team, therefore informed the Security Council of its intent to put forward a resolution requesting the establishment of such a tribunal.

Way forward

The Netherlands strongly believes that impunity for such acts of violence against peaceful civil aviation threatens international peace and security. The Security Council recognized this in resolution 2166 (2014) when it reaffirmed the prohibition of acts of violence that pose a threat to international civil aviation, when it called on all States to cooperate fully with any criminal investigations related to this incident and, most notably, when it formulated an international obligation for

all States to prosecute the perpetrators by demanding that those responsible for this incident be held to account and that all States cooperate fully with efforts to ensure accountability.

In doing so, and in deciding to remain actively seized of the matter, the Security Council, as the highest political organ representing the international community, established a role for itself. Resolution 2166 (2014) acknowledged the Council's authority in the matter, as well as its responsibility to see it through to its logical conclusion: ensuring that States comply with the demand for accountability.

Malaysia, on behalf of the joint investigation team, has brought to the Security Council a full-fledged proposal for an international criminal tribunal, to be established under Chapter VII so as to guarantee that the legally binding demand by the Council for accountability is backed up by a similarly internationally binding investigation and prosecution mechanism. We ask the Council to consider this proposal favourably. A letter by the Permanent Representatives of Australia, Belgium, Malaysia, the Netherlands and Ukraine requesting the Council to establish an ad hoc tribunal was sent on 10 July 2015.

In the meantime, we welcome all efforts by the Security Council to call on all States and other actors in the region to continue to cooperate with the international investigations in accordance with resolution 2166 (2014).

Let me conclude by assuring you once again that the Netherlands spares no effort to fulfil its responsibilities with regard to the coordination of all international efforts in recovery and repatriation, the independent technical investigation and the criminal accountability process. As part of this responsibility, the Netherlands will keep the Council informed accordingly.

I would be grateful if you could have the present letter circulated as a document of the Security Council.

(*Signed*) Karel J. G. **van Oosterom**
Ambassador

United Nations S/2015/552

Security Council

Distr.: General
21 July 2015

Original: English

Letter dated 21 July 2015 from the Permanent Representative of Israel to the United Nations addressed to the President of the Security Council

I am writing to you with regard to the Arria Formula meeting on Gaza. While Israel attaches great importance to the humanitarian situation in Gaza, it is evident that the sole purpose of that meeting is a political one. If the meeting was truly about helping the people of Gaza, it would be about who is playing a constructive role in Gaza, and who is playing a destructive role.

Israel is fully committed to the implementation of the Gaza Reconstruction Mechanism and will continue to cooperate with the United Nations in that important mission. Since October 2014, 1.3 million tons of construction materials have been supplied to Gaza from Israel. Hundreds of trucks enter Gaza every day, carrying thousands of tons of food, humanitarian aid, medicines and other supplies, all without any restrictions. A total of 1.6 million tons of goods, in 53,000 trucks, already entered Gaza in the first half of 2015.

While quick to condemn Israel at the United Nations, on the ground, the Palestinian Authority refuses to assume responsibility for the people of Gaza. The Palestinian Authority has no authority over the Gaza Strip and, apparently, does not want any. Last September, when the Security Council tried to pass a resolution to solve the situation in Gaza, to hasten the delivery of construction materials and to prevent arms smuggling, the Palestinian president dragged his feet, obstructed the process and eventually rejected the proposition altogether. In the year since the conflict ended, the Palestinian Authority has prioritized its internal political needs over the needs of its people. Time and again, it has put obstacles in the way of reconstruction efforts, while refraining from participating in the process.

These days we mark the tenth anniversary of the disengagement of Israel from Gaza. Israel left Gaza in 2005, with the hope that it would be transformed into a successful model of peace and prosperity. Over 9,000 Israeli citizens were evacuated from their homes. The steps taken by Israel, intended to advance peace, were not reciprocated. Since then, 15,000 rockets have been fired at our cities and our citizens. In 2007, Hamas turned Gaza into a terrorist base from which to attack Israel, using the people of Gaza as human shields.

Last summer, Hamas dragged Israel in yet another round of violence. Hamas fired more than 4,500 rockets towards Israel, during the period of Operation Protective Edge, putting 70 per cent of the Israeli population under the threat of rockets and mortars. Hamas turned residential areas, hospitals, schools, mosques

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and United Nations facilities into rocket-launching locations, firing positions for snipers and weapon caches, and turned the cellars of those buildings into entrances for their terror tunnels. By hiding behind and using its civilian population to attack another civilian population, Hamas committed a double war crime.

Time and again, Hamas broke humanitarian ceasefires initiated by Israel, ignoring the hardship to civilians on both sides. When Hamas agreed to a ceasefire, rather than rehabilitating the civilian infrastructure in Gaza, it announced that it planned to invest resources in the rehabilitation and improvement of its damaged military infrastructure. Over the past few months, Hamas has intensified its efforts to repair its network of terror tunnels, using cement and other materials that were intended for the reconstruction of destroyed homes.

Unfortunately, some members of the Council are not interested in discussing the situation based on the facts. While refraining from mentioning Hamas in the concept paper provided for the meeting in New York, Malaysia does not hesitate to support the terrorist organization on the ground. Hamas trains terrorists on Malaysian soil, with the full knowledge of the Malaysian authorities. Hamas terrorists were recruited and sent to Malaysia for week-long parachute training, in preparation for a cross-border kidnapping attack in Israel.

The support provided by a Council member to Hamas is a threat to international peace and security and an obstacle to the resumption of peace negotiations and to the improvement of the lives of those that Malaysia claims to care about.

Any discussion of the conditions on the ground in Gaza must include a full account of the reasons for the situation in Gaza. On the one hand, Hamas is more interested in warfare against Israelis than in the welfare of its own people, and on the other hand, the Palestinian Authority drags its feet with regard to the reconstruction of Gaza and neglects its responsibility to people of Gaza. Evading discussion of the responsibility of those parties for the situation in Gaza is an evasion of the truth.

I should be grateful if you would have the present letter distributed as a document of the Security Council.

(*Signed*) Ron **Prosor**
Ambassador
Permanent Representative